

Town of Lamoine

ORDINANCE REGARDING MUNICIPAL ELECTIONS, TERMS OF OFFICE, AND ASSUMPTION OF OFFICIAL RESPONSIBILITIES.

Originally Enacted May 5, 1995

Amended March 6, 2002

Amended November 2, 2004

Amended April 8, 2009

Proposed Amendments January 9, 2014

Be it ordered that upon approval by a referendum vote at a properly held Town Meeting of the voters of Lamoine that:

1. *Elected Positions*

The following positions in Lamoine Town Government are to be elected by popular, secret ballot vote:

Selectman & Overseer of the Poor (3 year term, 5 positions, staggered terms. ~~Beginning at the Annual Town Meeting in March 2005, Selectmen & Overseer of the Poor positions shall be elected to stagger the terms as follows— One (1) to a 1-year term, One (1) to a 2-year term, and One (1) to a 3-year term, with the terms to stagger at the subsequent annual town meetings)~~

~~Regional School Unit Board Member (3 year term, one position, retroactive to February 12, 2009) (strike effective July 1, 2014)~~

Lamoine School Committee, 5 positions, staggered 3-year terms. Beginning at a special town meeting prior to July 1, 2013 and within the statutory limits established by 30-A MRS §2528 two (2) School Committee shall be elected to stagger their terms as follows: One (1) to a 2-year term and One (1) to a 3-year term with the terms to stagger at subsequent annual town meetings.

Assessor (3 year term, 3 positions, staggered terms)

2. *Assumption of Office*

Beginning with the annual town meeting in 1996, successful Selectman shall assume office at the first regular meeting of the respective board following the annual election. The terms of the assessors shall begin and end with the fiscal year (July 1, to June 30). ~~The term of the Regional School Unit (RSU) Director(s) shall begin, initially on February 12, 2009, and continue until the end~~

~~of said term on June 30th of the year of expiration. Following the initial election, the RSU Director shall assume office on the next July 1st following the election.~~

~~For the purposes of continuity of operations, those duly elected and sworn School Committee members of the Lamoine School Committee in office at the time of the annual town meeting in April, 2009 shall continue in their offices until June 30, 2009, whereupon the formal Lamoine School Committee shall be dissolved due to the formation and membership in the RSU.~~

Beginning with a special town meeting on January 7, 2014, the three School Committee members elected shall begin their terms upon administration of the oath of office. Beginning at the annual town meeting on March 11, 2014, the two School Committee members elected shall begin their terms upon administration of the oath of office. Beginning at the annual town meeting in 2015, school committee members shall begin their terms at the first scheduled meeting of the school committee following the annual town meeting.

Before assuming a seat on the Board of Selectmen, Board of Assessors or the Regional School Unit, ***the Lamoine School Committee*** the successful candidate must be administered the oath of office by the Town Clerk or a qualified designee.

Until such time as the successful candidate is administered the oath of office, the office shall continue to be filled by the previous office holder, but in no case shall a previous office holder who was not re-elected retain that office beyond June 30 following the annual municipal election.

If for any reason the successful candidate is not administered the oath of office by June 30 following the municipal election, a vacancy in the office shall be declared. Any school committee vacancy so declared shall be filled as provided in 20-A M.R.S.A. § 2305 (4). Selectmen shall hold a special town meeting to fill any other vacancies so declared.

3. Salaries

~~The annual salaries of elected town officials shall be paid according to town policy. For those three year terms which do not run the full three years due to the adjustments created in this ordinance, the office holder serving that term which ends prematurely shall continue to be paid as if the full three years is served.~~ ***Salaries of the Selectmen and Assessors are set at the Annual Town Meeting. Salaries of the School Committee members are to be included in the budget adopted by the Town Meeting and approved by the validation election. An elected official who resigns either voluntarily or statutorily shall be paid a pro-rated share of salary based on the time served during the term. The Lamoine School Department is responsible for School Committee Member compensation. The Town Treasurer is responsible for Selectman and Assessor compensation subject to a valid warrant approved by the Board of Selectmen.***

4. Disputed Elections

In the event that the outcome of an election is disputed, a recount is properly requested, or a tie is declared, the previous office holder shall continue to hold office until resolution of the election is completed by the Town Clerk and the Selectmen, in no case later than June 30 following the annual municipal election.

5. Effective Date

This ordinance shall take effect upon a majority vote of the Lamoine Town Meeting on May 5, 1995. It shall remain in effect until amended, repealed, or otherwise changed by a properly held Lamoine Town Meeting. This ordinance repeals the referendum approved on March 20, 1987 and recorded in the Town of Lamoine Clerk's book, volume 11 page 169.

Amended March 6, 2002 by a majority vote of the Lamoine Town Meeting to reflect change of Town Clerk/Tax Collector is an appointed position effective July 1, 2003.

Amended November 2, 2004 by a majority vote of the Lamoine Town Meeting to reflect change to increase the size of the Board of Selectmen to 5 and clarify the staggering of terms beginning in March 2005.

Amended April 8, 2009 by a majority vote of the Lamoine Town Meeting to reflect the continuation and dissolution of the Lamoine School Committee and the creation of a director(s) to the Regional School Unit.

Amended January 9, 2014 by a majority vote of a special Lamoine Town Meeting to reflect the withdrawal of Lamoine from Regional School Unit 24 effective July 1, 2014, establish a 5-member school committee, and to better clarify the salary section.

Signature Page

We, the undersigned Selectmen of Lamoine do certify that on May 5, 1995 a majority of the eligible voters of the Town of Lamoine approved a referendum question "Shall an ordinance entitled "Order regarding municipal elections, terms of office, and assumption of officials responsibilities" be enacted". This order was subsequently amended on March 6, 2002 at the annual Lamoine Town Meeting to reflect that the position of Town Clerk and Tax Collector shall become an appointed position effective July 1, 2003 and that the terms of the 5 member Board of Selectmen are staggered beginning with the election of March 2005. Given under our hands this 9th day of November, 2004.

/s/ Perry Fowler

/s/ S. Josephine Cooper

/s/ Glenn Crawford

The Lamoine Board of Selectmen

April 16, 2009

The attached Ordinance Regarding Municipal Elections, Terms of Office and Assumption of Official Responsibilities was amended by a majority vote at the annual town meeting held April 8, 2009.

/s/ S. Josephine Cooper

/s/ Richard E. Fennelly, Jr.

/s/ Kermit Theall

/s/ Gary McFarland

/s/ Cynthia Donaldson

The Lamoine Board of Selectmen

The above amended Ordinance Regarding Municipal Elections, Terms of Office and Assumption of Official Responsibilities is offered to a special town meeting to be held January 9, 2014.

_____ S. Josephine Cooper

_____ Cynthia Donaldson

_____ Gary McFarland

_____ Bernard Johnson

_____ Nathan Mason

The Lamoine Board of Selectmen

Elections, Terms and Assumption of Responsibilities Ordinance

Attest: A True Copy

Stuart Marckoon, Deputy Town Clerk

Certification

Approved by a majority vote of a special town meeting on January 9, 2014

Jennifer M. Kovacs, Town Clerk